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Attorneys for Defendants Salt Lake City and Officer Clinton Fox

**IN THE UNITED STATES DISTRICT COURT
STATE OF UTAH, CENTRAL DIVISION**

ESTATE OF PATRICK HARMON SR.;
PATRICK HARMON II, as Personal
Representative of the Estate of Patrick
Harmon Sr., and heir of Patrick Harmon Sr.,
TASHA SMITH, as heir of Patrick Harmon,
Sr.,

Plaintiffs,

vs.

SALT LAKE CITY, a municipality; and
OFFICER CLINTON FOX, in his individual
capacity,

Defendants.

**DECLARATION OF OFFICER
CLINTON FOX IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Case No. 2:19-cv-00553-HCN-CMR

District Judge Howard C. Nielson, Jr.
Magistrate Judge Cecilia M. Romero

I, Clinton Fox, declare and state as follows:

1. I am 18 years of age or over and am competent to make this declaration. I have personal knowledge of all facts set forth in this declaration and am competent to testify thereto if called upon to testify in a court of law.
2. I am an officer with the Salt Lake City Police Department.

3. During my entire law enforcement career, I've worked on patrol. I was also a member of the Tooele County sniper cadre and volunteered for the SWAT teams in Tooele County, West Valley City, and Salt Lake City. I am also a certified firearms instructor.

4. While I was talking with Mr. Harmon, he asked if he could have a cigarette. In my experience, it is common for people who are about to be arrested to have one last cigarette before they go to jail.

5. When I first saw Officer Smith he was typing on his computer and he didn't have his gloves on. When Officer Smith and Officer Robinson came walking back up to where Mr. Harmon and I were standing, they had their gloves on. That is pretty standard for when you're about to put somebody in handcuffs, so I believed we were going to arrest Mr. Harmon.

6. At this time the county jail would only accept a booking if it was only a felony, so I knew Mr. Harmon had a felony warrant.

7. At about the time Officer Robinson grabbed Mr. Harmon, I heard and processed Mr. Harmon say something to the effect of "I'll cut you." Because he said that and with him reaching into his pocket, I immediately knew that Officer Robinson was in a bad position. I thought Mr. Harmon was going to pull his knife and stab Officer Robinson.

8. At that point, I didn't know what Officer Robinson could see or what he knew.

9. I decided I needed to draw my gun, because if Mr. Harmon pulled a weapon out, he was going to stab Officer Robinson.

10. I drew my gun and was trying to determine the best angle to fire to try to avoid hitting Officer Robinson. But at that moment, Mr. Harmon broke away from Officer Robinson. I remember feeling so relieved because I thought I wouldn't have to use my service weapon.

11. When I saw the knife, I thought Mr. Harmon was going to stab me.

12. I was also terrified that Officer Smith or Officer Robinson were going to run past me because I don't know if either one of them realized that Mr. Harmon kept going for his pocket. I didn't know if they knew that he had a knife. And if they went past me and they tackled him, I was afraid that they were going to get stabbed.

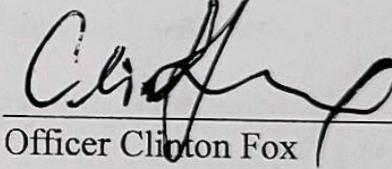
13. Everything happened very, very quick.

14. In my 15 years of police experience, this was the scariest thing that has happened. This was the first time as a cop that I thought I might die.

15. To this day, I believe Mr. Harmon intended to stab me and would have done so if I hadn't fired my weapon.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 26, 2022.



Officer Clinton Fox